

Prepared by: Thomas L.
Flynn, 2000 Financial Center,
666 Walnut Street, Des
Moines, IA 50309, 515-243-
7100

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Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File # 20003-00097380
BK 9661 PG 91-119

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LOTS 40-65 OF HILLSBORO PLAT 1**

COMES NOW GERALD D. GRUBB, INC., an Iowa Corporation ("Declarant") as developer of Hillsboro Plat 1, and in support of this DECLARATION, states and provides as follows:

RECITALS

WHEREAS, Declarant desires to establish and place certain covenants, conditions and restrictions and to reserve certain easements, on Lots 40-65 of Hillsboro Plat 1 (the "Property"); and

WHEREAS, Declarant intends the Property to be developed so as to accommodate townhomes therein.

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following covenants, conditions, restrictions, uses, limitation, easements and obligations all of which are declared to be for the purpose of protecting the value and desirability of the Property and which shall run with the land and shall be a burden and a benefit to Declarant, its successors and assigns, and any person (or their grantees, successors, heirs, executors, administrators, devisees and assigns) owning an interest in the Property, or the improvements and appurtenances thereto.

ARTICLE 1

DEFINITIONS

Section 1. "Association" shall mean and refer to Hillsboro Owners' Association, its successors and assigns, a non-profit corporation organized pursuant to Chapter 504A of the 2001 Code of Iowa.

Section 2. "Association Responsibility Elements" shall mean the following, whether located upon a Lot or upon the Common Area:

(a) The exterior surface of the Buildings upon a Lot, excluding windows, doors, patios and decks.

(b) The structural portion of the Buildings upon a Lot.

- (c) The downspouts and foundations of the Buildings upon a Lot.
- (d) Any common wall between Living Units within a Lot.
- (e) The yard surrounding the Living Units within a Lot.
- (f) Driveways and sidewalks of each Living Unit upon a Lot up to the front doors.
- (g) Conduits, ducts, plumbing, wiring, pipes and other facilities within the attic or basement of a residential structure which are carrying any service to more than one Lot.
- (h) The Common Area, including, but not limited to the private storm and sanitary sewers, private water mains and storm water drainage and detention areas located thereon.

Section 3. "Board of Directors" shall mean and refer to the Board of Directors of the Association.

Section 4. "Building(s)" shall mean and refer to any structure(s) containing one or more single-family living units that may be constructed on a Lot or on several Lots and shall include any attached or detached garage building conveyed with the Lot on which the Building(s) is (are) situated.

Section 5. "Common Area" shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the Owners. The Common Area to be owned by the Association is described as:

Lots 64 and 65

Declarant will convey to the Association by deed the Common Area at or about the time of the conveyance of the first Lot.

Section 6. "Declarant" shall mean and refer to Gerald D. Grubb, Inc., an Iowa Corporation, its successors and assigns.

Section 7. "Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions to which the Property is subject.

Section 8. "Federal Mortgage Agencies" shall mean and refer to those federal agencies who have or may come to have an interest in the Property, or any portion thereof,